

Nearman, Michael@DGS

From: Walls, Dave@DGS
Sent: Wednesday, June 29, 2011 9:09 AM
To: Taylor, Jane@DGS; Nearman, Michael@DGS; 'Doug Hensel'; Shawn Huff; 'Deidre Benbow'
Subject: FW: Concerns recycled content in CalGreen amendments

From: Tom Lent [mailto:tlent@healthybuilding.net]
Sent: Wednesday, June 29, 2011 5:06 AM
To: CBSC (General Mail)
Subject: Concerns recycled content in CalGreen amendments

Thank you for your consideration of the following
PARTICIPATION COMMENTS FOR THE 15-DAY NOTICES DATED JUNE 16, 2011

From:
Tom Lent
Healthy Building Network
2464 West St
Berkeley, CA 94702

We **do not** agree with:

☒ The Agency proposed modifications As Submitted on Section No. A4.405.3, A5.405.3, and A5.405.4

and request that this section or reference provision be recommended:

☐ Approved ☐ Disapproved ☐ Held for Further Study ☒ Approved as Amended

Suggested Revisions to the Text of the Regulations:

"...If the manufacturer does not separately identify the pre-consumer and post-consumer recycled content of a material but reports it as a total single percentage, ~~one-half~~ all of the total shall be considered pre-consumer and ~~one-half~~ none shall be considered post-consumer recycled material."

Reason: The Healthy Building Network agrees with comments that have been filed by StopWaste that the 50/50 default split between pre-consumer and post-consumer is an arbitrary assumption and is unfair to those products for which manufacturers have determined the true quantity of post-consumer recycled content materials (in violation of H&S Code Section 18930.a.4: "The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part."). For recycled-content products, post-consumer recycled content is a higher and better use of materials than pre-consumer recycled materials because they represent a 'closed loop' of taking back product at end of life. Post-consumer content is also generally more difficult for manufacturers to use as substitute for virgin or industrial scrap materials due to quality issues of feedstock and availability of recycled materials in the marketplace. Therefore, it is the view of our Agency that post-consumer recycled content building materials are a priority for waste reduction strategies in our County and beyond, and should be rewarded above and beyond pre-consumer recycled content materials. In fact, CALGreen recognizes the benefits of post-consumer over pre-consumer by allowing post-consumer to be a 100% multiplier in the materials measure calculation (Tier 1/2), while pre-consumer recycled content values are only allowed a 50% multiplier.

The proposed amendment above removes the arbitrary split between pre-consumer and post-consumer recycled content and defers instead to a more conservative assumption of 100% pre-consumer. Instead of encouraging manufacturers to not report accurately—which the current language essentially does, especially if their product does not contain any post-consumer recycled content—we instead think this code item should be used to encourage manufacturers to seek accurate reporting of recycling claims because by doing so their products could be valued higher in green building standards. We feel CALGreen should be pushing for accuracy in reporting instead of providing a convenient "out" for the industry which can actually falsely reward products that contain no post-consumer recycled content.

Thank you for your consideration

- Tom Lent

Tom Lent - Policy Director - Healthy Building Network
2464 West St, Berkeley, CA 94702 510-845-5600
www.healthybuilding.net www.pharosproject.net @HBNTom